

REMARKS/ARGUMENTS

The specification has been conformed to correspond to the preferred format for U.S. patent applications as required in the Office Action, and a Substitute Specification and Comparison Copy are submitted herewith.

Claims 1 and 2 were rejected on formal grounds for missing antecedents, and claim 4 was rejected for being in conflict with claim 1. The antecedent problem has been resolved. As to claim 4, while edges of the plate defining the V-shaped groove, including its end, are blunt, the exterior only of the plate can be sharpened, as is stated in paragraph 30 of the application. In view thereof, the retraction of the Section 112 rejection is requested.

Claims 1, 2, 4 and 6-10 are pending in this application. Claims 3 and 5 have been canceled.

Claims 1, 2 and 4 were rejected for anticipation by Wright (120,143) because Wright was considered to show a weed pulling tool with a first portion at a right angle to the handle and a second portion at an obtuse angle along a bending axis, with the second portion including a V-shaped gathering gap.

Claim 3, rejected for obviousness over Wright in view of Davis, has been canceled.

Applicant's device is a weed puller and not a hoe in the conventional sense of the word. In recognition thereof, applicant has changed the title of this application and amended the introductory portion of all claims so that they are directed to a "weed puller".

As is described in the application, the present invention is directed to a tool for derooting weeds without cutting them off at their root or jarring them to prevent seeds from becoming dislodged. While a hoe is used for digging into the ground, the puller of the present invention slides over the ground along the underside of the puller, and the weed puller engages a weed in a gap of the weed puller so that the roots extend below the gap and the growth of the weed being disposed of is above the gap. All edges of the weed-engaging gap are blunt, and the

inner end of the gap, where the V-shaped sides converge, has a width sufficient to accommodate the root of the weed but insufficient to permit passage of the weed through the gap if the weed puller is pulled away from the ground. In this manner, a weed, including its root, are effortlessly removed without jarring and therefore without reseeding, which would lead to more weed growth.

The Wright patent discloses a so-called cane-stubble hoe, which is a three-pronged hoe having spaced-apart, parallel tines that extend from a free end of the hoe towards the hoe handle. Although the hoe of Wright has a slight bend adjacent the handle, the portion of the hoe including tines C is flat, as is clearly illustrated in Fig. 2. The ends of tines C are pointed for penetrating the ground, and the teeth are for cultivation purposes only. Wright's hoe is not adapted for pulling weeds from the ground. For the removal of weeds, Wright provides a cutting blade D at the end of the hoe opposite tines C for cutting the weed growth from the root, but which is incapable of pulling the root, with or without the weed growth, from the ground.

Claim 1 is limited, amongst others, to a weed puller having "two blunted prongs defining therebetween a V-shaped gathering gap formed by blunted opposed V-shaped edges on either side of the axis which extend from the free ends of the prongs to a blunted, rounded inner end of the gap"

Wright does not teach to form a V-shaped edge between the prongs extending from the free ends of the prongs to the blunted rounded inner end of the gap. To the contrary, Wright discloses that the gaps are essentially parallel. At least for this reason, claim 1 is not anticipated by Wright.

Claim 1 further recites "the second body portion including portions of the two prongs being bent towards the handle at an obtuse angle along the bending axis to form a weed pulling cradle area" In Wright, there is a slight bend of the hoe closely adjacent the handle A. However, the portion of the hoe which includes tines C is flat. There is no disclosure—in fact there is no suggestion at all—in Wright to bend the hoe body including the prongs towards the handle. Yet, this configuration of the body makes it possible for the weed puller of the

present invention to remove weeds, including their roots, without ever digging into the ground, by merely dragging the puller along the ground until it engages a weed between the upper weed growth and the root that extends into the ground.

For at least this additional reason, Wright does not anticipate claim 1.

Additionally, the double line extending along the inner sides of all tines C shown in Fig. 1 of Wright teaches one of ordinary skill in the art that the tines of Wright are not only parallel and do not define a V-shaped gap, they are additionally sharpened, and not blunt.

New independent claims 6, 8 and 9 similarly distinguish over Wright and are not anticipated by it.

Claim 6 additionally is not anticipated by Wright because Wright contains no disclosure to incline the first and second body portions by between 10° to 50°.

New independent claim 6 recites amongst others “an elongated body defining a body axis and first and second body portions which are angularly inclined about a bending axis that is transverse to the body axis ..., the second body portion being inclined relative to the first body portion about the bending axis at an angle between 10° to 50°; and a generally V-shaped gap formed in the body and extending from a free end of the second body portion past a bending line into the first body portion, the V-shaped gap being defined by converging, blunted edges and a blunted end at the first body portion extending between the blunted edges and forming a relatively narrow slot accommodating the root of the weed when the puller is pulled along the ground”

New independent claim 8 recites “a connector for attaching a handle to one end of the body so that the first body portion is substantially perpendicular to the handle and the second body portion is inclined relative to the handle by an angle greater than 10° so as to form a weed receiving cradle with the body; [and] a V-shaped slot formed by the body and extending from a free end of the second body portion in a converging manner to facilitate gathering weeds in the cradle as the weed puller is dragged over the ground, the gap including an inner end part which is substantially narrower than a remainder of the gap for engaging the root of a weed, edges of the

first and second body portions forming the gap being blunt to prevent cutting the root of the weed as the puller is dragged over the ground”

Claim 8 is additionally not anticipated by Wright because Wright contains no disclosure to incline the two body portions by more than 10°.

New independent claim 9 recites “a V-shaped slot extending in a longitudinal direction from a free end of the second plate portion towards and into the first plate portion, edges of the plate defining the V-shaped groove being blunted to prevent them from cutting weeds and their roots, the second plate portion being bent relative to the first plate portion in a transverse direction at a location along the length of the plate so that an inner end of the V-shaped groove is at least partly located within the first plate portion and forms spaced-apart prongs extending from the first plate portion over the length of the second portion and terminating in free ends which are bent relative to the first plate portion towards the handle connector”.

Thus, independent claims 1, 6, 8 and 9 are not anticipated by Wright, and they are allowable over it.

Dependent claims 2, 4 and 7 are directed to specific features of the present invention which are not disclosed or suggested in the applied references. These claims are therefore independently allowable. They are further allowable because they depend from allowable parent claims.

Also attached hereto is a DVD prepared by the inventor which shows and discusses the important features of the present invention, compares them to the prior art, and visibly illustrates the efficacy of the weed puller of the present invention for removing weeds, including their roots, without causing a dispersal of seeds. Applicant invites the Examiner to view the DVD, which visually demonstrates many of the features of the present invention recited in the claims which patentably distinguish the claims over the prior art.

Additionally, applicant encloses the following materials which demonstrate the need for the weed puller of the invention and its widespread adoption and commercial success:

- June 13, 2005 copy of the Lahontan Valley News carrying an article entitled "Home grown Hoe" on pages A1 and A8 of the paper, which discusses the weed puller of the present invention
- a copy of the article entitled "Idaho gears up to fight tire-puncturing weeds" published in the Nevada & Region section of the Lahontan Valley News for Tuesday, October 4, 2005, and discussing the problems certain weeds represent and the difficulty of eradicating such weeds
- a copy of a letter dated August 23, 2005 from Western Big R Stores of Fallon, Nevada, attesting to the efficacy and commercial success of the weed puller of the present invention
- a copy of a letter dated August 16, 2005 from Ace Hardware which attests that the sales of the weed puller of the present invention exceeded garden hoe sales by 8 to 1 and its efficacy
- testimonials reprinted from applicant's business website concerning the efficacy of the weed puller of the present invention for removing unwanted weeds.

As the foregoing demonstrates, the weed puller of the present invention fulfills an existing need for an efficient, easy-to-operate weed puller, the efficacy of the weed puller of the present invention for removing weeds, and the success the weed puller has met in the marketplace. All of these factors are evidence of the novelty and non-obviousness of the weed puller of the present invention.

CONCLUSION

In view of the foregoing, applicant submits that all claims are in condition for allowance, and a formal notification to that effect at an early date is requested.

Application No. 10/717,724

Amendment

Reply to Office Action of September 26, 2005

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (415) 273-4730 (direct dial).

Respectfully submitted,



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